

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION**

FRANK LONGORIA GARCIA	§	
	§	
VS.	§	
	§	
ECTOR COUNTY SHERIFF MIKE GRIFFIS, ECTOR COUNTY LAW ENFORCEMENT CENTER (JAIL)	§	CAUSE NO. 7:20-CV-00295
	§	

AFFIDAVIT OF JAMES MCKINNEY

STATE OF TEXAS	§
	§
COUNTY OF ECTOR	§

BEFORE ME, the undersigned authority, on this day personally appeared JAMES MCKINNEY, who being first duly sworn according to law, upon his oath and under the penalty of perjury deposed and stated as follows:

1. "My name is James McKinney. I am over the age of twenty-one (21) years. I am of sound mind and have never been convicted of a felony, a theft, or any crime involving an admission of a dishonest act or false statement. I am competent to make this affidavit. The facts stated herein are of my personal knowledge and are true and correct.

2. I am a Lieutenant working with the Ector County Detention Center. I am authorized to make this affidavit on behalf of Ector County.

3. As a Lieutenant with the Ector County Detention Center, my duties include the keeping of inmate records generated at the detention center. Attached to my affidavit are records pertaining to Frank Longoria Garcia's incarceration at the Ector County Detention Center. Exhibit A is a true and correct copy of documents from Frank Longoria Garcia's booking records. Exhibit B is a true and correct copy of Frank Longoria Garcia's inmate requests and grievance records.

Exhibit C is a true and correct copy of Frank Longoria's medical records on file with the Ector County Detention Center. Exhibits A, B, and C are all records created, generated, or received during Frank Longoria's detention at the Ector County Detention Center. Exhibit D is a true and correct copy of an information sheet of the Fingertip Toothbrush or "No-Shank Fingertip Toothbrush" the Ector County Detention Center has on file concerning toothbrushes issued to inmates.

4. As a Lieutenant with the Ector County Detention Center, I am a custodian of the type of records attached to my affidavit, and I am familiar with the manner in which the records attached were created and maintained by virtue of my duties and responsibilities with the Ector County Detention Center. The records attached to my affidavit were made by, or from information transmitted by, persons with knowledge of the events recorded therein. Such records were made at or near the time of the occurrence of the events or acts recorded therein. The records were made and kept in the course of regularly conducted business, and it was in the regular course of the detention center's business to make and keep these records.

5. The Ector County Detention Center employs a two-step grievance procedure for inmates to challenge alleged violations of civil rights. If an inmate wishes to assert a violation of a civil right, the inmate may file a grievance with the detention center stating the date, time, names of people involved, and details of the incident. If the inmate disputes a decision made by the grievance board, the inmate may appeal the decision to the Sheriff or the Sheriff's designee. The decision of the Sheriff or the Sheriff's designee is final. These grievance procedures are contained in the Ector County Law Enforcement Center Jail Rules, of which Frank Longoria Garcia received. A copy of the jail rules executed by Frank Longoria Garcia is attached under Exhibit A.

6. The records attached as Exhibit B consist of the entire inmate requests the Ector

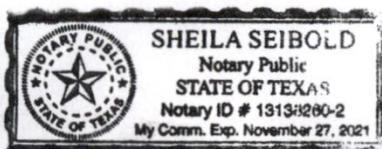
County Detention Center has on file for Frank Longoria Garcia from the date of his incarceration until January 3, 2021, the date these records were collected and generated. After a diligent search, I have not located any grievance or inmate request filed by Frank Longoria Garcia relating to complaints regarding any toothbrush issued to him, serving cold meals, or his receiving no medical attention or dental assistance. The only complaints about commissary items I located relate to a request for consideration to receive free commissary items for good behavior. I have found no complaint that the commissary items were overpriced.

7. The Ector County Detention Center commonly issues No-Shank Fingertip Toothbrushes to inmates like the one depicted and described in Exhibit D. Fingertip toothbrushes are designed to allow inmates to maintain proper oral hygiene while preventing the inmate from turning the toothbrush into a weapon, whether to inflict self-harm or harm to others. The Ector County Detention Center issues fingertip toothbrushes as a security measure.

FURTHER AFFIANT SAYETH NOT.”

J. M. McKinney
Lt. James McKinney

SWORN TO and **SUBSCRIBED** before me by James McKinney on this the 1st day of February, 2021, to certify which witness my hand and seal of office.



Sheila Seibold
Notary Public in and for the State of Texas